

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 2:07cr30-WHA
)	
EPIFANIO ALCARAZ-ALCARAZ)	
aka Manuel Rayos _____)	

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Epifanio Alcaraz-Alcaraz, by and through undersigned counsel, Kevin L. Butler, and moves this Court, pursuant to 18 U.S.C. §§ 3161(h)(1)(F); (h)(3)(A)(B), (h)(6), (h)(8)(B)(i), and (h)(8)(B)(iv) for a continuance of his trial setting of June 4, 2007. In support of this motion, Defendant would show the following:

1. Mr. Alcaraz-Alcaraz is charged by superseding indictment with possession with intent to distribute narcotics. Trial in this matter is presently scheduled for June 4, 2007.
2. It is not anticipated that this matter will proceed to trial.
3. In addition to the charges pending in this district, Mr. Alcaraz-Alcaraz has pending federal charges in Texas.¹
4. In order to preserve judicial, prosecutorial and defense resources, pursuant to Federal Rule of Criminal Procedure 20, the parties are attempting to negotiate and fashion an agreement that will resolve all pending federal charges/cases in one proceeding. Additionally, because of the multi-jurisdictional nature of this case, case preparation and investigation is complex.
5. As a result, a final plea agreement and the defense investigation will not be complete before

¹ This information was provided to undersigned counsel by Mr. Alcaraz-Alcaraz counsel in Texas, Guillermo Gonzalez Esq. (512) 474-8001.

the presently scheduled trial date.

6. For these reasons, it is in the interest of justice to continue trial in this matter.
7. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521 (11th Cir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), Mr. Alcaraz-Alcaraz feels that, in this case, the ends of justice will be served by allowing the defense adequate time to finalize a plea agreement and locate all information relevant and necessary to prepare a defense to the charges. Additionally, pursuant to 18 U.S.C. §§ 3161 (h)(1)(F); (h)(3)(A)(B), (h)(6), (h)(8)(B)(I), and (h)(8)(B)(iv), this court has authority to continue trial to allow counsel time to investigate this complex case.
8. The United States, through Assistant United States Attorney Clark Morris, does not oppose the granting of a continuance.

WHEREFORE, for the foregoing reasons, Mr. Alcaraz-Alcaraz respectfully requests that his trial date be continued from the presently scheduled date of June 4, 2007.

Dated this 16th day of May 2007.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

EPIFANIO ALCARAZ-ALCARAZ

aka Manuel Rayos

Cr. No. 2:07CR30-WHA

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

A. Clark Morris, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138